

REMARKS

Claims 1-24 are pending in this application, of which claims 1, 8-11, and 18 are independent. In this Amendment, claims 1-4, 7-14, and 17-24 have been amended. Care has been exercised to avoid the introduction of new matter. Support for the amendments to the claims can be found on, for example, page 18, line 10 through page 19, line 6 of the specification.

Claim Objections

The Examiner suggested amending claim 9 to replace the word “part” with -- party --. Claim 9 has been amended in the manner suggested by the Examiner. Withdrawal of the objection to claim 9 is, therefore, respectfully solicited.

Claim Rejections - 35 U.S.C. § 112

Claims 2-7, 9-17, and 18-24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner asserted that claims 2, 9-11, and 18 have antecedent basis issues.

Applicant has amended claim 2, 9-11, and 18 to address to the issues raised by the Examiner. Withdrawal of the rejection of the claims is, therefore, respectfully solicited.

Claim Rejections - 35 U.S.C. § 102

Claims 2-4, 10-13, and 18-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hind et al. (U.S. Patent Publication No. 2004/0203908, hereinafter “Hind et al.”).

Applicant submits that Hind does not identically disclose a radio apparatus including all the limitations recited in independent claim 2, a transmission method including all the limitations recited in independent claims 10 and 11, and a computer readable storage medium including all the limitations recited in independent claim 18.

With respect to independent claim 2, Hind does not disclose, among other things, “an acquiring unit which acquires one of virtual response vectors with respect to corresponding one of a plurality of virtual terminal apparatuses which are not present in reality and are not the terminal apparatus which is the targeted communication party, the plurality of virtual terminal apparatuses being assumed to be imaginarily present in respective predetermined directions, the virtual response vectors being stored in advance such that the predetermined directions in which the plurality of virtual terminal apparatuses are assumed to be present are mutually different from each other; ...” (emphasis added). In this amendment, claim 2 has been amended to clarify that (1) the virtual terminal apparatuses are not present in reality, and (2) the virtual response vectors are stored in advance.

Hind is directed to wireless networks in which access to a wireless network from a device can be denied if the device is outside the predetermined spatial boundary (see the abstract). However, Hind does not describe that the device whose access is denied is a virtual terminal apparatus which is not present in reality. In contrast, claim 2 recites “a plurality of virtual terminal apparatuses which are not present in reality...” Furthermore, Hind is silent on storing the claimed virtual response vectors in advance.

Based on the foregoing, Hind does not identically disclose a radio apparatus including all the limitations recited in independent claim 2. Dependent claims 3 and 4 are also patentably

distinguishable over Hind at least because the claims respectively include all the limitations recited in independent claim 2.

The above discussion is also applicable to independent claims 10, 11, and 18 because these claims recite imitations similar to the above-discussed limitations of independent claim 2. Dependent claims 12, 13, 19, and 20 are also patentably distinguishable over Hind at least because these claims respectively include all the limitations recited in independent claims 11 and 18.

Applicant, therefore, respectfully solicits withdrawal of the rejection of claims 2-4, 10-13, and 18-20 and favorable consideration thereof.

Claim Rejections – 35 U.S.C. § 103

1. Claims 1, 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hind in view of Ahl et al. (U.S. Patent No. 5,448,758, hereinafter “Ahl”).

Applicant submits that Hind and Ahl, individually or in combination, do not disclose or suggest a radio apparatus including all the limitations recited in independent claim 1, a transmission method including all the limitations recited in independent claim 8, and a transmission method including all the limitations recited in independent claim 9.

With respect to independent claim 1, the applied combination of Hind and Ahl does not teach, among other things, “a plurality of virtual terminal apparatuses which are not present in reality and are not a terminal apparatus which is a real targeted communication party, are assumed to be imaginarily present in respective predetermined directions.”

As discussed above, Hind is directed to wireless networks in which access to a wireless network from a device can be denied if the device is outside the predetermined spatial boundary (see the abstract). It is, therefore, apparent that Hind does not teach the claimed plurality of

virtual terminal apparatuses which are not present in reality. Nor does Ahl teach that the claimed plurality of virtual terminal apparatuses are not present in reality. Accordingly, Ahl does not cure the deficiencies of Hind.

Based on the foregoing, Hind and Ahl, individually or in combination, do not disclose or suggest a radio apparatus including all the limitations recited in independent claim 1. The above discussion is also applicable to independent claims 8 and 9 at least because these claims recite limitations similar to the above-discussed limitations of independent claim 1. Applicant, therefore, respectfully solicits withdrawal of the rejection of claims 1, 8, and 9, and favorable consideration thereof.

2. Claims 5-7, 14-17, and 21-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hind et al.

Claims 5-7 depend on independent claim 2, claims 14-17 depend on independent claim 11, and claims 21-24 depend on independent claim 18. Applicant thus incorporates herein the arguments made in response to the rejections of independent claims 2, 11, and 18 under 35 U.S.C. § 102 for anticipation as evidenced by Hind. The Examiner's additional comments do not cure the deficiencies of Hind. Applicant, therefore, respectfully solicits withdrawal of the rejection of the claims and favorable consideration thereof.

Conclusion

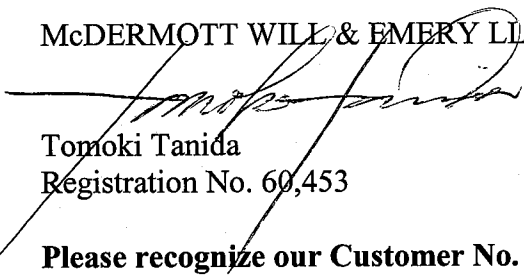
In view of the above amendments and remarks, Applicant submits that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

Application No.: 10/780,736

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Tomoki Tanida
Registration No. 60,453

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 SAB:TT:amz
Facsimile: 202.756.8087
Date: June 17, 2009

**Please recognize our Customer No. 20277
as our correspondence address.**